

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1164

T06-0034

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railway Company ("Company"), Sangamon County ("County"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff evaluation that inquiry should be made into the matter of improving public safety at the Mount Pulaski Road (CH 32) highway-rail grade crossing of the Company's track near Illiopolis, in Sangamon County, Illinois, designated as crossing AAR/DOT #479 277X, railroad milepost 394.04-WC; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements are in the interest of public safety and should be performed at the aforesaid crossing:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder.

DOCKETED

- (b) Installation of temporary STOP signs at the Mount Pulaski Road (CH 32) crossing within 30 days of a Commission Order for the installation of new automatic warning devices.

Section 3 The Company has provided a preliminary detailed cost estimate of \$171,840 for the installation of automatic flashing light signals and gates at the subject location. The Company shall upon a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, cost estimates and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be ninety (90) days from the date of a Commission Order approving this Agreement.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	COUNTY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$171,840	(95%) \$163,248 ¹	(0%) \$0	(5%) Remainder ²	(0%) \$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³	\$0
TOTALS	\$171,840	\$163,248	\$0⁴	Remainder²	\$0

Notes:

- ¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$163,248; any installation costs above the estimated amount of \$171,840 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.
- ² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.
- ³ Company responsible for all future maintenance costs associated with the temporary STOP
- ⁴ The County's participation in this project is described in the Exhibit A "Comments" section.

Section 6 Special Provisions: The Company and the County shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E-1 and E-2, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit E-1 and E-2, regarding the progress each has made toward completion of the work required

by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and County Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from the Company shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.


SECTION 7 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

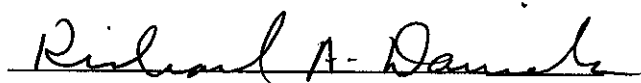
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 21st day of March, 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1164, executed by Commission Staff on March 21, concerning improvements at the Mt. Pulaski Road (CH 32) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Illiopolis, in Sangamon County, Illinois, designated as Crossing AAR/DOT #479 277X, railroad milepost 394.04-WC.

Executed by Sangamon County this 29th day of MARCH 2006.

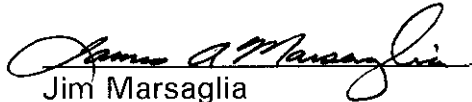
Sangamon County

By: _____



Timothy C. Zahrn, P.E.
County Engineer

Attest:



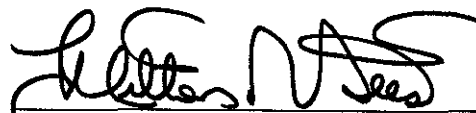
Jim Marsaglia
Assistant County Engineer

Illinois Commerce Commission Stipulated Agreement No. 1164, executed by Commission Staff on March 21, 2006, concerning improvements at the Mt. Pulaski Road (CH 32) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Illiopolis, in Sangamon County, Illinois, designated as crossing AAR/DOT #479 277X, railroad milepost 394.04-WC.

Executed by the Illinois Department of Transportation this 6th day of April 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in black ink, appearing to read "Milton R. Sees", written over a horizontal line.

Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. 1164, executed by Commission Staff on March 21, 2006, concerning improvements at the Mt. Pulaski Road (CH 32) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Illiopolis, in Sangamon County, Illinois, designated as crossing AAR/DOT #479 277X, railroad milepost 394.04-WC.

Executed by the Norfolk Southern Railway Company this 25th day of April 2006.

NORFOLK SOUTHERN RAILWAY COMPANY

By: ^{nm}

HR Constock
General Manager

Attest:

Mary Ann Mulhally
Asst. Corporate Secretary

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 277X, mp 394.04-WC
STREET, CITY, COUNTY	Mt. Pulaski Road (CH 32)
JURISDICTION (RDWY)	Sangamon County
LOCATION	Rural
STREET SURFACE	Hot mix 22 ft plus 6 ft. paved shoulders

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
E-W	Timber & asphalt	40 ft.	good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	List intersecting roadways, distance and direction Old Route 36 is 51 ft. to the south of the tracks. See pg 3 (drawing).
TRAFFIC CONTROL	List any devices on the main or intersecting roadways- Stop sign at above.
ADT & SPEED	750 Per Day @ 55mph unposted
TRAFFIC TYPE	Passenger, School Busses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	Yes

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	20 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	Cross bucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	650	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1440	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	ok	N/A	N/A	
NW	ok	N/A	N/A	
SE	ok	N/A	N/A	Bad angle for viewing train
SW	ok	N/A	N/A	Bad angle for viewing train

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES:

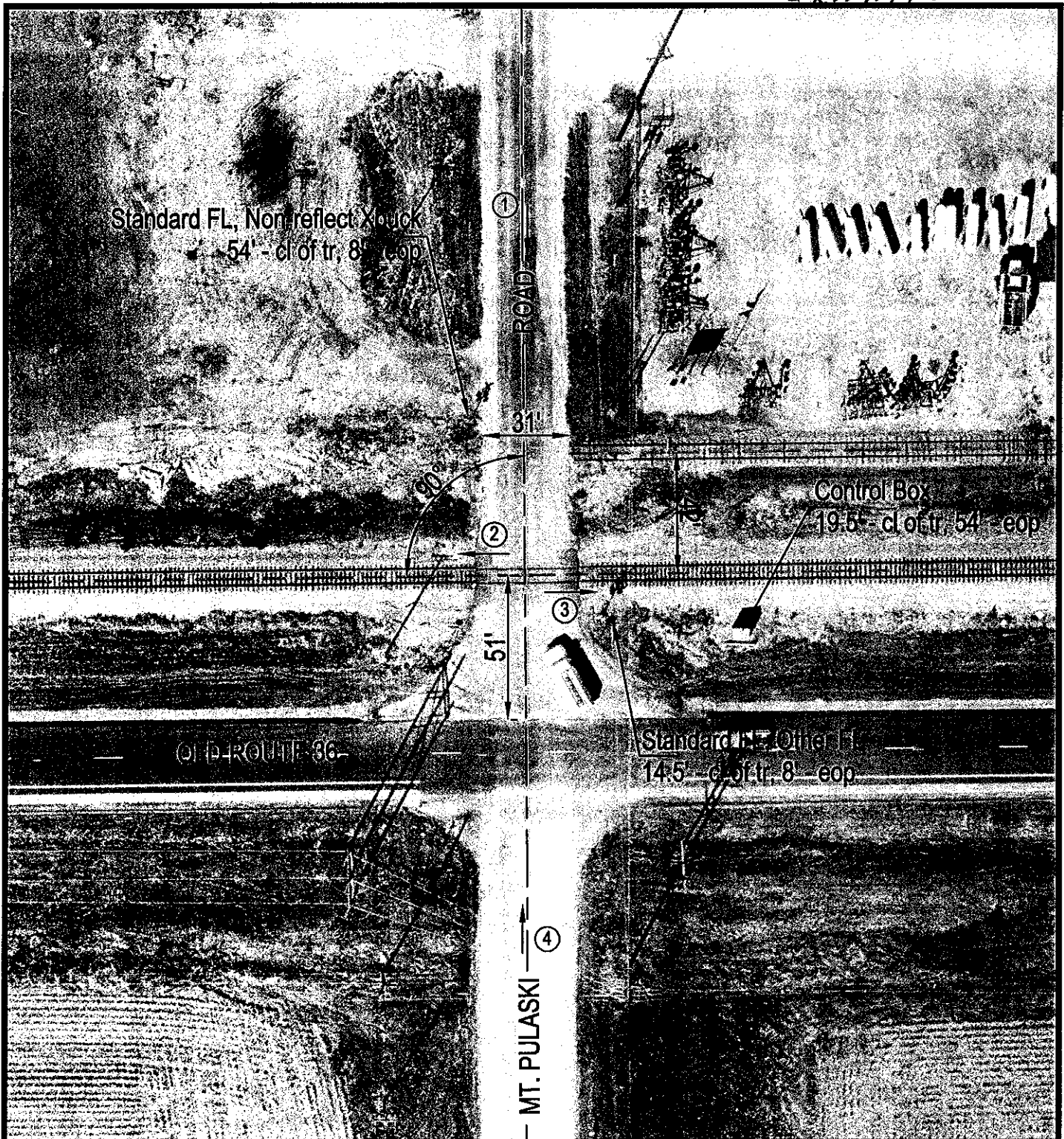
DIRECTION/North			DIRECTION/South		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	100.75	3.0	25	98.4	6.4
50	100.75	0.0	50	95.8	10.4

Distance measured from outermost rail.

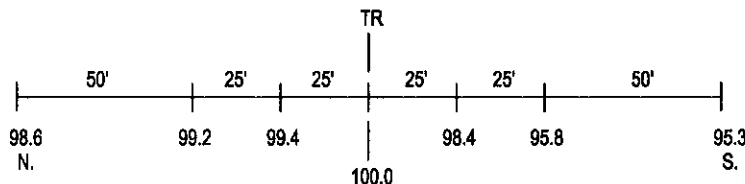
COMMENTS:

Norfolk Southern Railway's preliminary estimate of cost for new automatic warning devices is \$265,000. The County has requested that its participation can be in the form of roadway improvements that they recently performed. The roadway and approaches to this crossing were humped to a degree that trucks were having a difficult time traversing over the tracks, sometimes getting hung up. The County spent approximately \$200,000 on a roadway/approach improvement to remedy the situation. Therefore, the County is deserving of credit and staff recommends that its contribution to this project be the already performed roadway/approach improvement (at their own expense), and the maintenance of same, in lieu of their normal 10% share for automatic flashing light signals and gates (AFLS & Gates). Grade Crossing Protection Funds (GCPF) will pay 95% for AFLS & Gates and NS will pay remaining 5% and maintain same.

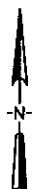
Page three will be the Location Sketch (Aerial Photo) of the crossing.



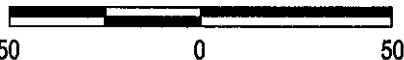
4: [SANGAMON] 479277X 479277LDMG 02/07/00 08:32 ITG



ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #: 479277X

Location: Sangamon Co., City of Illiopolis (Near)

Lat/Long: 39°51'11" / 89°17'33"

Railroad: NS

Street: Mt. Pulaski Road

Railroad Milepost: 394.04

Crossing Protection: Train Activated Devices

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	<input type="checkbox"/>
COMPLETION ¹	<input type="checkbox"/>

DATE	<input type="text"/>
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PROJECT INFORMATION:

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	479 277X; MP 394.04-WC
Street, (in/near) City, County:	Mt. Pulaski Road/CH 32, near Illiopolis, Sangamon Cnty, IL
Railroad Company:	Norfolk Southern

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Bob Sharkey
Title:	Construction Engineer
Representing:	Norfolk Southern
Street Address:	99 Spring Street, Box 123
City, State, Zip:	Atlanta, Georgia 30303
Office Phone:	404-527-2887
Office Fax:	404-527-1174
Cellular Phone:	
E-Mail Address:	Robert.Sharkey@nscorp.com

²Project Manager information to be submitted by Sangamon County and the Norfolk Southern Railway Company

DESCRIPTION OF IMPROVEMENTS to be ORDERED:

- Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder.
- Installation of temporary STOP signs at the subject crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.
-

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Dick Daniels, Railroad Safety Specialist
Phone: 217-785-8420
Email: rdaniels@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/hg/railroadsafety.aspx>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	Sangamon County
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	479 277X; MP 394.04-WC
Street, (in/near) City, County:	Mt. Pulaski Rd/CH 32, near Illiopolis, Sangamon County, IL
Railroad Company:	Norfolk Southern

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Timothy Zahn
Title:	Sangamon County Engineer
Representing:	Sangamon County
Street Address:	3303 Terminal Avenue
City, State, Zip:	Springfield, Illinois 62707
Office Phone:	217-535-3070
Office Fax:	217-753-7999
Cellular Phone:	
E-Mail Address:	timz@co.sangamon.il.us

²Project Manager information to be submitted by Sangamon County and the Norfolk Southern Railway Company

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